

St. Louis City Ordinance 64370

FLOOR SUBSTITUTE

BOARD BILL NO. [97] 355

INTRODUCED BY ALDERMAN MATT VILLA

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in an irregular portion of Koeln from Polk east to the Mississippi River and an irregular portion of Upton beginning approximately 50 feet east of Reilly and continuing east to the Mississippi River in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being the eastern portion of Upton Street, adjoining Blocks 3047 and 3048 of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the point of intersection of the southern line of Upton Street, 50 feet wide, with a line distant 25.00 feet east of and concentric with the centerline of the easternmost railroad track of the Union Pacific Railroad, in said Blocks, said point being distant south 49 degrees 14 minutes 45 seconds east 69.53 feet from its intersection with the eastern line of Reilly Avenue, 60 feet wide; thence northwardly 51.94 feet along said line distant 25.00 feet east of and concentric with the centerline of said railroad track, along a curve to the right having a radius of 1950.93 feet, the chord of which bears north 10 degrees 13 minutes 53 seconds east 51.94 feet, to a point of tangency; thence north 10 degrees 59 minutes 39 seconds west 6.06 feet along a line parallel with the centerline of said railroad tract, to the northern line of said Upton Street; thence south 49 degrees 14 minutes 45 seconds east 375 feet, more or less, along the northern line of said Upton Street, to the Mississippi River; thence southwardly 56 feet, more or less, along the Mississippi River, to the southern line of said Upton Street; thence north 49 degrees 14 minutes 45 seconds west 370 feet, more or less along the southern of said Upton Street, to the point of beginning, and containing 18,630 square feet, more or less.

A tract of land being the eastern portion of Koeln Avenue, 50 feet wide, together with a portion of Polk Street, 60 feet wide, adjoining Blocks 3048 and 3088 of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the point of intersection of the eastern line of Polk Street, 60 feet wide, with the southern line of Koeln Avenue, 50 feet wide; thence south 42 degrees 13 minutes 15 seconds west 0.99 feet along the eastern line of said Polk Street, to a line distant 25.00 feet east of and concentric with the centerline of the easternmost railroad track of the Union Pacific Railroad, in said Blocks; thence northwardly 70.29 feet along said line distant 25.00 feet east of and concentric with the centerline of said railroad track, along a curve to the right having a radius of 1950.93 feet, the chord of which bears north 2 degrees 44 minutes 47 seconds west 70.29 feet, to the northern line of said Koeln Avenue; thence south 49 degrees 14 minutes 45 seconds east 390 feet, more or less, along the northern line of said Koeln Avenue, to the Mississippi River; thence southwardly 66 feet, more or less, along the Mississippi River, to the southern line of said Koeln Avenue; thence north 49 degrees 14 minutes 45 seconds west 385 feet, more or less, along the southern line of said Koeln Avenue, to the point of beginning, and containing 19,400 square feet, more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Leonard and Shirley VanBerkel are the petition- ers. They will consolidate the vacated area for future development.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated streets, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so vacated streets provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE: The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being

careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX: The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN: The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director

of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN: An affidavit stating that all of the conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance one hundred twenty (120) days from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
02/20/98	02/20/98	STR		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
03/20/98			03/20/98	04/20/98
ORDINANCE	VETOED		VETO OVR	
64370				